

**20:06:09:48. ORSA guidance manual.** The own risk and solvency assessment (ORSA) shall be conducted in accordance with the standards and requirements set forth in the National Association of Insurance Commissioners' ORSA Guidance Manual, 2017-2022 edition.

**Source:** 44 SDR 71, effective October 23, 2017; 45 SDR 45, effective October 10, 2018.

**General Authority:** SDCL 58-5A-93.

**Law Implemented:** SDCL 58-5A-1(8), 58-5A-82 to 58-5A-84, inclusive, 58-5A-93.

**Reference:** **National Association of Insurance Commissioners Own Risk and Solvency Assessment (ORSA) Guidance Manual, 2017-2022** edition. Copies may be obtained from NAIC, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; <http://www.naic.org>. Cost: \$0.

**20:06:12:07. Guidelines for examination reports.** The insurer's examination report must be prepared in accordance with standards adopted by the National Association of Insurance Commissioners in the Financial Condition Examiners Handbook, 2022-2023 edition.

**Source:** 21 SDR 144, effective February 19, 1995; 23 SDR 43, effective October 1, 1996; 23 SDR 202, effective June 1, 1997; 25 SDR 13, effective August 9, 1998; 26 SDR 26, effective September 1, 1999; 27 SDR 54, effective December 4, 2000; 29 SDR 84, effective December 15, 2002; 31 SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 43 SDR 181, effective July 7, 2017; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

**General Authority:** SDCL 58-3-11, 58-3-26.

**Law Implemented:** SDCL 58-3-11.

**Reference:** Financial Condition Examiners Handbook, ~~2022~~2023 edition, National Association of Insurance Commissioners. Copies may be obtained from the NAIC, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; <http://www.naic.org>. Cost: ~~\$326~~  
\$342.

**20:06:18:04.01. Reciprocity between states.** The Division of Insurance shall accept the Continuing Education Filing Form as prescribed by the director, or a substantially similar form, which may be obtained from the division ~~at [www.dlr.sd.gov/insurance](http://www.dlr.sd.gov/insurance) or a substantially similar form~~, and the ~~required attachment(s)~~attachments as ~~the form~~ required for approval of courses submitted by a nonresident continuing education provider, for courses previously awarded credit by the continuing education provider's home state. Courses that have not previously been awarded credit in the provider's home state must be approved pursuant to § 20:06:18:05.

The provider shall submit electronically the location and date of a previously approved course at least 14 days in advance of the course if, at the time of initial filing, all dates and locations had not been determined.

**Source:** 25 SDR 13, effective August 9, 1998; 31 SDR 67, effective November 14, 2004; 34 SDR 200, effective January 28, 2008; 39 SDR 219, effective June 26, 2013.

**General Authority:** SDCL 58-30-117.

**Law Implemented:** SDCL 58-30-117, 58-30-118.

**Reference:** The Continuing Education Filing Form can be obtained from the Division of Insurance website at <http://dlr.sd.gov/insurance>. Cost: \$0.

**20:06:19:04. Accounting standards for transactions in exchange-traded call and put options.** An insurance company that buys or sells exchange-traded call and put options shall record the details of the transactions in a manner consistent with NAIC rules and procedures contained in the ~~2021-2022~~ edition of the **Annual Statement Instructions - Life, Accident, and Health**, the ~~2021-2022~~ edition of the **Annual Statement Instructions - Property and Casualty**, the ~~2022~~ 2023 edition of the **Financial Condition Examiners Handbook**, the ~~2022-2023~~ edition of the **Accounting Practices and Procedures Manual**, and the ~~2021-2022~~ edition of the **Purposes and Procedures Manual of the NAIC Investment Analysis Office**.

**Source:** 13 SDR 75, effective December 21, 1986; 22 SDR 110, effective March 1, 1996; 23 SDR 43, effective October 1, 1996; 25 SDR 13, effective August 9, 1998; 26 SDR 26, effective September 1, 1999; 27 SDR 54, effective December 4, 2000; 27 SDR 111, effective May 7, 2001; 30 SDR 39, effective September 28, 2003; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 43 SDR 181, effective July 7, 2017; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

**General Authority:** SDCL 58-27-7.

**Law Implemented:** SDCL 58-6-75.

**References:**

1. **Annual Statement Instructions - Life, Accident and Health**, ~~2021-2022~~ edition, National Association of Insurance Commissioners. Cost: ~~\$166~~ \$174.

2. **Annual Statement Instructions - Property and Casualty**, ~~2021~~2022 edition, National Association of Insurance Commissioners. Cost: ~~\$166~~\$174.

3. **Accounting Practices and Procedures Manual**, ~~2022~~2023 edition, National Association of Insurance Commissioners. Cost: Hard Copy, ~~\$525~~\$550.

4. **Financial Condition Examiners Handbook**, ~~2022~~2023 edition, National Association of Insurance Commissioners. Cost: ~~\$326~~\$342.

5. **Purposes and Procedures Manual of the NAIC Investment Analysis Office**, ~~2021~~2022 edition, National Association of Insurance Commissioners. Cost: \$0.

Copies of references 1 through 5 may be obtained from the National Association of Insurance Commissioners, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; <http://www.naic.org>.

**20:06:25:01. Annual statements.** The insurer's annual statement must be filed in accordance with the standards adopted by the National Association of Insurance Commissioners in the ~~2022~~2023 edition of the **Accounting Practices and Procedures Manual**, and the ~~2021~~2022 editions of the following **Annual Statement Instructions** manuals: **Life, Accident, and Health; Property and Casualty; Health; and Title**.

**Source:** 21 SDR 144, effective February 19, 1995; 22 SDR 110, effective March 1, 1996; 23 SDR 202, effective June 1, 1997; 25 SDR 13, effective August 9, 1998; 26 SDR 26, effective September 1, 1999; 27 SDR 54, effective December 4, 2000; 27 SDR 111, effective May 7, 2001; 30 SDR 39, effective September 28, 2003; 31 SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September

17, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 43 SDR 181, effective July 7, 2017; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

**General Authority:** SDCL 58-6-75.

**Law Implemented:** SDCL 58-6-75.

**References:**

1. **Annual Statement Instructions - Life, Accident, and Health, 2021–2022** edition.  
Cost: ~~\$166~~ \$174.

2. **Annual Statement Instructions - Property and Casualty, 2021–2022** edition. Cost:  
~~\$166~~ \$174.

3. **Annual Statement Instructions - Health, 2021–2022** edition. Cost: ~~\$166~~ \$174.

4. **Annual Statement Instructions - Title, 2021–2022** edition. Cost: ~~\$166~~ \$174.

5. **Accounting Practices and Procedures Manual, 2022–2023**. Cost: ~~\$525~~ \$550.

Copies of references 1 through 5 may be obtained from the National Association of Insurance Commissioners, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; <http://www.naic.org>.

**20:06:25:01.01. Accounting methods for certain surety bonds.** Insurers writing surety bonds guaranteeing to lending institutions the repayment of student loans made by lending institutions may, in lieu of compliance with SSAP60 of the **Accounting Practices and Procedures Manual**, develop premium earning patterns that are representative of their claims and expense patterns by loan and program, and compute unearned premium reserves according to those premium earning patterns. In lieu of compliance with SSAP3 of the **Accounting Practices and**

**Procedures Manual**, changes in accounting estimates, for this method of accounting only, may be amortized over the remaining life of the student loans utilizing pro-rated current premium earning patterns. In lieu of compliance with SSAP53 of the **Accounting Practices and Procedures Manual**, such insurers may recognize written premiums when due.

**Source:** 27 SDR 111, effective May 7, 2001; 29 SDR 5, effective July 10, 2002; 30 SDR 39, effective September 28, 2003; 31 SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

**General Authority:** SDCL 58-6-75.

**Law Implemented:** SDCL 58-6-75.

**Reference:** **Accounting Practices and Procedures Manual**, 2022-2023 edition. Copies may be obtained from the National Association of Insurance Commissioners, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; <http://www.naic.org>. Cost: ~~\$525~~ \$550.

**20:06:25:01.02. Accounting methods for bail bonds.** Insurers writing bail bonds may, in lieu of compliance with SSAP 53 of the **Accounting Practices and Procedures Manual**, report bail bond written premiums less agent commissions and may recognize total premiums as earned on the effective date of the bonds. Insurers reporting premiums on this method must file a supplemental Schedule T with their annual statement setting forth the gross premiums by state for premium tax purposes.

**Source:** 29 SDR 5, effective July 10, 2002; 30 SDR 39, effective September 28, 2003; 31 SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

**General Authority:** SDCL 58-6-75.

**Law Implemented:** SDCL 58-6-75.

**Reference:** **Accounting Practices and Procedures Manual**, ~~2022~~2023 edition. Copies may be obtained from the National Association of Insurance Commissioners, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; <http://www.naic.org>. Cost: ~~\$525~~\$550.

**20:06:25:02. Actuarial opinions.** Actuarial opinions must be filed in accordance with standards adopted by the National Association of Insurance Commissioners in the manuals on **Annual Statement Instructions - Life, Accident, and Health**, ~~2021~~2022 edition and **Annual Statement Instructions - Property and Casualty**, ~~2021~~2022 edition.

**Source:** 21 SDR 144, effective February 19, 1995; 22 SDR 110, effective March 1, 1996; 23 SDR 202, effective June 1, 1997; 25 SDR 13, effective August 9, 1998; 26 SDR 26, effective September 1, 1999; 27 SDR 54, effective December 4, 2000; 30 SDR 39, effective September 28, 2003; 31 SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June

26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 43 SDR 181, effective July 7, 2017; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

**General Authority:** SDCL 58-26-13.1, 58-26-46.

**Law Implemented:** SDCL 58-26-13.1, 58-26-46.

**References:**

1. **Annual Statement Instructions - Life, Accident, and Health**, 2021–2022 edition.

Cost: ~~\$166~~–\$174.

2. **Annual Statement Instructions - Property and Casualty**, 2021–2022 edition. Cost:

~~\$166~~–\$174.

Copies of references 1 and 2 may be obtained from the National Association of Insurance Commissioners, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; <http://www.naic.org>.

**20:06:26:01. Standards for rating and valuation of investments.** The standards of the division for purposes of rating and valuing investments are the standards set forth in the **Purposes and Procedures Manual of the NAIC Investment Analysis Office**, 2021–2022 edition.

**Source:** 21 SDR 144, effective February 19, 1995; 22 SDR 110, effective March 1, 1996; 23 SDR 202, effective June 1, 1997; 25 SDR 13, effective August 9, 1998; 26 SDR 26, effective September 1, 1999; 27 SDR 54, effective December 4, 2000; 30 SDR 39, effective September 28, 2003; 31 SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219,



effective June 26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 43 SDR 181, effective July 7, 2017; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

**General Authority:** SDCL 58-27-108.

**Law Implemented:** SDCL 58-27-108.

**Reference:** **Purposes and Procedures Manual of the NAIC Investment Analysis Office**, ~~2021~~2022 edition, National Association of Insurance Commissioners. Copies may be obtained from the NAIC, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; <http://www.naic.org>. Cost: \$0.

## **CHAPTER 20:06:34**

### **GRIEVANCE PROCEDURES**

#### Section

20:06:34:01	Repealed.
20:06:34:02	Repealed.
20:06:34:03	Repealed.
20:06:34:04	Repealed.
20:06:34:05	Repealed.
20:06:34:06	Repealed.
20:06:34:07	Repealed.
20:06:34:08	Repealed.
20:06:34:09	Repealed.

20:06:34:10 Requests for urgent care determinations.

20:06:34:11 Scope of retrospective review.

20:06:34:12 Grievance report required, Repealed.

**20:06:34:12. Grievance report required.** ~~A carrier with individual or group disability income products shall submit to the director, at least annually, a report in the format specified by the director. The report shall include:~~

~~—— (1) The number of covered lives;~~

~~—— (2) The total number of grievances;~~

~~—— (3) The number of grievances appealed to the director of which the carrier has been informed;~~

~~—— (4) The number of grievances referred to alternative dispute resolution procedures or resulting in litigation; and~~

~~—— (5) A synopsis of actions being taken to correct problems identified~~ Repealed.

**Source:** 31 SDR 67, effective November 14, 2004; 37 SDR 241, effective July 1, 2011.

**General Authority:** ~~SDCL 58-17I-16.~~

**Law Implemented:** ~~SDCL 58-17I-5.~~

**20:06:36:01. Definitions.** As used in this chapter:

(1) "Adjusted RBC report" means an RBC report that has been adjusted by the director in accordance with § 20:06:36:06;

(2) "Corrective order" means an order that has been issued by the director and which specifies the corrective actions;

(3) "Domestic insurer" means any insurance company domiciled in this state or any entity required to comply with RBC pursuant to SDCL 58-4-48;

- (4) "Domestic health organization" means any health organization domiciled in this state;
- (5) "Foreign insurer" means any insurance company that is licensed to do business in this state but not domiciled in this state;
- (6) "Foreign health organization" means any health organization that is licensed to do business in this state, but not domiciled in this state;
- (7) "Health Organization" means any health maintenance organization, limited health service organization, dental or vision plan, hospital, medical and dental indemnity or service corporation and other managed care organization licensed under SDCL title 58 but does not include an organization that is:
- (a) Licensed as a life or health insurer or property and casualty insurer; and
  - (b) Subject to either life or property and casualty RBC requirements;
- (8) "NAIC" means the National Association of Insurance Commissioners;
- (9) "Life or health insurer" means:
- (a) Any insurance company licensed under SDCL title 58 to write life or health insurance; or
  - (b) A property and casualty insurer licensed to do business in this state writing only accident and health insurance;
- (10) "Property and casualty insurer" means any insurance company licensed under SDCL title 58 to do business in this state, but not monoline mortgage guaranty insurers, financial guaranty insurers, or title insurers;
- (11) "Negative trend" means for a life or health insurer, a negative trend in the level of risk-based capital over a period of time;
- (12) "RBC" means risk-based capital;

(13) "RBC instructions" means the ~~2021~~2022 **NAIC RBC Forecasting and Instructions-Life**, the ~~2021~~2022 **NAIC RBC Forecasting and Instructions-Property/Casualty**, and the ~~2021~~2022 **NAIC RBC Forecasting and Instructions-Health**;

(14) "RBC plan" means a comprehensive financial plan containing the elements specified in § 20:06:36:08;

(15) "RBC report" means the report required in §§ 20:06:36:03 through 20:06:36:06;

(16) "Revised RBC plan" means a rejected RBC plan by the director that is revised by the insurer or health organization, with or without the director's recommendation;

(17) "Total adjusted capital" means the sum of an insurer's or health organization's statutory capital and surplus as determined in accordance with the statutory accounting applicable to the annual financial statements required to be filed under SDCL 58-6-75, and any other items required by the RBC instructions.

**Source:** 23 SDR 228, effective July 3, 1997; 25 SDR 13, effective August 9, 1998; 26 SDR 26, effective September 1, 1999; 27 SDR 54, effective December 4, 2000; 30 SDR 39, effective September 28, 2003; 31 SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September 17, 2014; 41 SDR 93, effective December 3, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 43 SDR 181, effective July 7, 2017; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

**General Authority:** SDCL 58-4-48.

**Law Implemented:** SDCL 58-4-48.

**References:**

1. ~~2021-2022~~ NAIC RBC Forecasting and Instructions-Life. Cost: ~~\$110~~\$115.
2. ~~2021-2022~~ NAIC RBC Forecasting and Instructions-Property/Casualty. Cost: ~~\$110~~\$115.
3. ~~2021-2022~~ NAIC RBC Forecasting and Instructions-Health. Cost: ~~\$110~~\$115.

Copies of references 1 through 3 may be obtained from the National Association of Insurance Commissioners, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; <http://www.naic.org>.

**20:06:59:01. Valuation manual--operative date.** The valuation of reserve liabilities for life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts must be calculated in accordance with the standards set forth in the Valuation Manual of the National Association of Insurance Commissioners, ~~2022-2023~~ edition. The operative date for the valuation manual is January 1, ~~2022~~2023.

**Source:** 43 SDR 80, effective December 5, 2016; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

**General Authority:** SDCL 58-26-45.1.

**Law Implemented:** SDCL 58-26-44.1(11), 58-26-45.1.

**Reference:** Valuation Manual of the National Association of Insurance Commissioners, ~~2022-2023~~ edition, National Association of Insurance Commissioners. Copies may be obtained from the NAIC, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; <http://www.naic.org>. Cost: \$0.